

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Elimination of Main Studio Rule) MB Docket No. 17-106
)

Joint Comments

Flinn Broadcasting Corporation (“FBC”), Arlington Broadcasting Company (“ABC”), George S. Flinn, Jr. (“Flinn”), Christian Worldview Broadcasting Corporation (“CWBC”) and Broadcasting for the Challenged, Inc. (“BFTC”), by their attorney, hereby respectfully submit their Joint Comments in the above-referenced proceeding:

A. Background

1. FBC is a commercial broadcaster owning 14 radio and television stations across the country. Similarly, Flinn is a commercial broadcaster owning 23 radio and television stations. ABC owns commercial stations WAVN (AM), Southaven, MS (Facility ID 2801) and WMPS (AM), Bartlett, TN (Facility ID #2802). CWBC is the noncommercial educational licensee of WTWV (DT), Memphis, TN (Facility ID #81692), while BFTC is the noncommercial educational licensee of WWTW (DT), Senatobia, MS (Facility ID #84214) and WKWR (FM), Key West, FL (Facility ID #90274).

2. On May 18, 2017, the Commission released a Notice of Proposed Rulemaking (FCC 17-59) (“NPRM”) seeking input from the public as to whether its rules should be modified or repealed as follows:

We propose to eliminate our rule requiring each AM, FM and television broadcast station to maintain a local main studio. We also propose to eliminate the associated staffing and program origination capability requirements that apply to main studios described above. We tentatively conclude that technological innovations have rendered a local studio unnecessary as a means for viewers and listeners to communicate with or access their local stations and to carry out the other traditional functions that they have served. In particular, it appears that a local main studio with staffing sufficient to accommodate visits from community members no longer will be justified once broadcasters fully transition to online public inspection files.

3. FBC, Flinn, ABC, CWBC and BFTC (together referred to herein as “Joint Commenters”) operate a range of mid-to-small market commercial and noncommercial radio and television stations. The subject broadcast stations are exactly the type most affected by the current main studio rules and the ones that will probably benefit most from the elimination of those rules. For the reasons set forth hereinbelow, the Joint Commenters wholeheartedly support elimination of the main studio rule (and its related rules set forth in the NPRM).

B. Discussion

4. The Commission’s proposed action makes sense. Plain and simple. The FCC has long recognized the public interest benefits of embracing technology and innovation in its quest to meet its own public interest obligations. Online outreach; online filings; online public commenting; and, most recently, online public files. Perhaps because it often sees many technological changes as they develop (due to its regulatory oversight obligations), it has in many respects been forward-thinking and not backwards-grasping. This is not to say, of course, that there does not exist differences of opinion as to whether the FCC is on the right or wrong side of a particular issue. In

the case at hand, if one was to speculate as to how the comments in this proceeding are going to break down, there will be overwhelming support by stakeholders in the proverbial trenches (i.e., licensees) versus a few well-intentioned individuals who have a philosophical wistfulness for the ways things used to be. If you shop on Amazon and ignore the local mom-and-pop stores, don't profess shock when they go away. While broadcasters operate in the public interest (and do an excellent job at it), they cannot do so in an economic vacuum. They must adapt to change, remain relevant and, in short, survive.

5. The Commission succinctly nailed it in its preamble: Times have changed. As they stated in Section 1, Paragraph 1:

When the rule was conceived almost eighty years ago, local access to the main studio was designed to facilitate input from community members as well as the station's participation in community activities. Today, however, widespread availability of electronic communication enables stations to participate in their communities of license, and members of the community to contact broadcast radio and television stations, without the physical presence of a local broadcast studio. In addition, because the Commission has adopted online public inspection file requirements for AM, FM, and television broadcast stations, community members no longer will need to visit a station's main studio to access its public inspection file.

6. Social media, texting and the internet are a far more effective means of communication than traditional mail and in-station visits. Station outreach via electronic means is now prevalent. In today's world, people not only expect to be able to research and interact with a local broadcast station electronically, they demand it.

7. As the various commenters in this proceeding will undoubtedly confirm, the maintenance and staffing of a main studio where literally no community members visit on a whim represents a waste of valuable station resources. Instead of having staff

sitting in an expensive office where nobody visits, that same staff could be out in the community determining what needs to be done to remain relevant in a fragmented world. Small market stations operate on extremely slim operating margins and are battling financial and competitive headwinds which threaten their very existence. This is not hyperbole. Since station profits (or donations), to the extent there are any, are often 2-5% of gross revenues, the ability to save 5-10% in expenses represents the difference between treading water financially and making long-term, fiscally sound decisions regarding how to address the needs of the community.

8. Probably the most consistent negative refrain expressed by commenters in proceedings which contemplate any changes to the “way things have been done” is that it will lead to the nationalization (and homogenization) of programming which will in turn lead to the ignoring of local citizens’ needs and concerns by “those people” in New York and Los Angeles.

9. Broadcasting is at its core “local”. Owners that ignore that reality while seeking the inflated promise of “economies of scale” do so at their peril.

10. Another negative refrain often expressed by commenters is that change of any sort will result in the increased threat of station consolidation (with national behemoths swallowing up the little guy). Ironically, these individuals and groups argue against small fixes which would help them in their preservation goal, not hurt them. If broadcasters weren’t as stressed financially, the allure of “cashing out” (to relieve the burden) wouldn’t be there.

C. Conclusion

Broadcasters are resilient. They are not asking for a handout or to shirk their local community commitments. To the contrary: They are seeking ways to strengthen those community bonds. Financial viability is the key. The remedies proposed in the subject NPRM offer a unique opportunity for the FCC to assist both local broadcasters (in adapting and remaining viable) and the public (in streamlining how stations respond to their needs and demands). As CWBC and BFTC once noted in another proceeding:

Once a species dies off, we are all a little poorer for its loss. The proposed rule elimination is not a doomsday scenario: It is a lifeline. Unless we all, including the FCC, entertain timely and reasoned approaches to these real fiscal and competitive problems, it will be too late. We know what we have to lose if we don't act. This is the essence of action in the public interest.

Respectfully submitted,

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